19 47. File No. 54 38/33

RHAB DEPARTMENT

5 BRANCH B Class

Karnatak

Subject:—

ERStoppNo 1-35

Rent Control Act

Application 7—

Copies from file

54 38/33 XIII

B Class Commons

B" Xgr

28/2/3/3

D-4

26

B Class.

File No. 54 38/33

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

# DOCKET SHEET

*Subject :—*

File No. _____

_____ DEPT.

_____ BRANCH.

*References :—*

| Date. | To whom sent. | Notes and instructions. |
|---|---|---|
| | | |

Below application from :-

Nanubhai D. Desai
For N.M. Brothers.
Surat.

Request for applying Bombay Rent restriction act to business premises in Surat.

This ~~fmx~~ is for Education Department H.M. R.D. may see in E.D.

Id/-

Secretary Education Department.

I suppose we have not considered exters in but have D.M. been exercising some controls.

Id/-
25/4/

---

From:- N.M. Brothers,
Baranpuri Bhagol Surat. Dated 15-4-46.

To,
Hon'ble Minister of law and order,
Government of Bombay. Bombay.

Hon'ble Sir,

This is a very short complaint which We hope your honour would pay the attention it deserves.

Your honour must be aware that the Bombay Rent restriction Act which has been made applicable to Surat does not apply to-- business premises with the result that the businessmen of standing and reputation have to face the land-lords with unusual demands.

In Surat Numberous notices have been served on businessmen for vacating the business premises only with a view that rent may be increased 3-4-fold. The poor shop-keepers have to submit to the demand as there is no legal protection.

You will therefore be pleased to extend the necessary

provisions to the business premises also.

As business people We may not be in a position to explain you fully our difficulties but only with the hope that You will appreciate the situation and do the needful that we have made ourselves bold to write to you.

Hoping you will surely make inquires and do the needful.

We beg to remain

Sir,
Your most obedient servants
For N.M. Brothers.
Sd/-

Partner.

---

The Blitz 11th May 1946
(Bombay).

## Doctors Are Victims of Landlords' Racket.

JAI HIND- The Rent restriction Act is in force in Bombay under which protection is given to residential and professional quarters, while here, in Surat, professional quarters are not protected.

The result is that the landlords have started unprecedented harrassment. They have been demanding rent to the extent of four and five times the pre-war standard and, if we do not pay, they serve us with a notice to quit and the court forces us to vacate. Number of such decrees have been passed by the court recently.

The position of the mendical practitioner is peculi The locality in which he has established for years cannot be left without paralysing his practice completely. The landlords, knowing this, demand enormous rents which he cannot pay.

Will you kindly bring this fact to the notice of the popular Ministry to protect us? We, mofussil people have not made any black market money.

(DR.) K.D. MANIAR

SURAT, April 23.

We have received many complaints about the defects and legal loop-holes in the existing rent control machinery and its working, We would ask Government to look into the anomaly reported by this correspondent---

Forwarded with compliment to the Secretary to Government, General Department, Bombay, for information.

Id/-
Oriental Translator to Government.

RSK 13/7

The applicant stated that, as rent of business premises in Surat are not controlled, the shopkeeper to have either to pay increased rent or to face eviction proceedings of the landlords. As this causes hardship, he request that Govt. may be pleased to extend the provisions of the Rent Act to business premises also.

2. By G.N., G.D. No. 3259/33, d/23-1-45, it was directed that part II of the Rent Act 1944 shold come into operation in Surat and other places of the District from the date of that Notification. If this part of the Act is to apply to business premises also in Surat City, section 4(3) of the Act would have to be amended as was recently done in the case of the Bombay suburban District.

3. Rents of Rs 80 and above for business premises at Ahmedabad are not controlled. The demand for controlling these rents was, however, rejected in consultation with the Commr. on the ground that the tenants of business premises did not need protection as the business comunity had made good profits and could afford to pay increased rents. On a some what similar ground, the question of controlling rents of business premises in Surat was dropped in September 1945 paticularly when it was pointed out that now that the war was over, normal conditions would return (vide G.I.,G.D. No. 3259/33, d/-24-9-45 the proceedings underlying it.

The question now is whether we should reconsider the question which was once dropped. There is no objection to doing so. The Collector may be requested u.o. to off his remarks representation made and to return the papers to Govt thro. the Commr. In case he is not favour of a general protection to business premises he may be requested to state whether he could give relief in specific cases of complaints made to him. and if so, in

what way.

An official reference may be made to this Collector of Surat

Id/- 26/6/46

---

No. 5458/33/C.
G.D.
Bombay Castle 2nd July 1946.

To
The Collector of Surat.

Subject:- Bombay Rent Act of 1944.
Extension of - to business premises in Surat City.

The question of controlling rents of business premises in Surat City was dropped in Sept. last (vide G.L.G.D., No 3259/33, date the 24-9-45). In view of the representatives (copies enclosed) Government is inclined to reconsider this question. Please report thro the Commr. N.D. whether you are in favour of giving a general protection to business premises in Surat City in the circumstance now prevailing copy of this is sent to the Commr. N.D.

Id/-
Under Secretary to Govt. of Bombay
G.D.

No. etc.

Copy forwarded to the Commr. N.

Id/-
Under Secretary to Government
of Bombay G.D.

Id-
1-7-46

From :

Dr. K.D. Maniar, M.B.B.S.
Machlipith, C U R A T.

Receipt acknowledged
On 4/7/46 No 1

To,

Morarji Desai Esqr.,
Home Minister, Government of Bombay,
B O M B A Y.

27th June 1946.

Sir,

I bet to bring to your notice the following for your kind considerntion.

The rent matriction act is in force in Bombay and Ahmedabad under which protection is given to resi antal and professional quarters, while here in surat, professional quarters are not protected.

The result is that the landlords have started unprecedented harrassment. They have been demanding rents to the extent of four and five times the pre-war standard and if we do not pay, they serve us with notice to quit and the Court forces us to vacate. Number of such decrees have been passed by the Court recently.

The position of the medical practitioner is peculiar The locality in which he has established for years can not be left without paralysing his practice completely. The landlords knowing this, demand enormous rent which he can not pay.

I have been the victim of such a landlord's racket though I was prepared to pay fourtimes the prewar rent. My landlord was not satisfied. He took the protection of the Court and the Court has passed a ordert vacate, but the judge remarked that it was really injustice but he had to obey the law.

There is no place vacant in the locality, and one does not know what to do, except to satisfy the greed of the landlord by paying eight times the prewar standard.

If cities like Bombay & Ahmedabad who have made enough money are protected, why not we mofussil people who have not grown rich and speially the medical practitioner.

P.T.O.

merciless landlords' racket.

I have the honour to be,
Sir,
Yours faithfully.

Sd/- (K.D. Manior.)

No 20971-B
Revenue Department
Bombay Castle, 4th July 1946.

Forward to ~~the~~ General Department for disposal

By order of the Governor
of Bombay.

Sd
Assistant Secretary to Government
of Bombay.

Id/-
3/7/

---

Below Collector of Surat's No.W.A.R. 59 dated 6-7-1946.

---

No. W.A.R. 354.
Shahibagh, Ahmedabad, 8-8-1946

General Department.

Submitted to Government reference to their No. 5438/33-C dated 2nd July 1946.

2/- The Rent Restriction Act, was a war-time measure to give protection during the war-period ~~when~~ when there could be no building but when the demand for premises, residential and business would increase. The war has been over for nearly a year now, and it is therefore prima facie unnecessary to extend that control further, Restrictions on building operations have been removed to a very considerable extent, so the need for control must decrease.

3/- There is moreover no strong demand for snh control from Ahmedabad City which is much larger than Surat. I am therefore not in favour of the suggestion.

4/- I ~~xxxx

4/- If Government wishes, the applicants may be asked to give specific instances of demands of exorbitant rents which have adversely affected business interests.

Dd/-
Commissioner, N.D.

RSK. 13/7

---

No. WAR.59. Surat, 6th July 1946.

To The Secretary to the Government of Bombay, General Department.

Subject :- Bombay Rent Act of 1944. Extension of --- to business Premises in Surat City.

Reference Government Letter, General Department No. 5438/33-C, dated 2-7-46.

As the owners of business primises in Surat City are found to be demanding exhorbitant rents, I am in favour of giving a general protection to such premises.

Id/-
Collector, Surat.

Submitted through the Commissioner, N.D.

General Department.

Submitted with reference to the office note dated 24-6-46.

2. As stated in that note, it will be necessary to amend section 4(3) of the 1944 Act, if business premises are to be brought under control in Surat City.

3. The Collectorkx is in favour of the proposal but the ~~Commissioner~~ Controller is not in favour However, before, putting up the question for orders of Government futher Information may be called for from the applicants as xxxx suggested by the Commissioner. A draft letter is put up.

4. After issue of the letter the question whether it would not be better to amend the Act so as to empower the Provincial Government to extend the provisions of the Act to other than residential areas, by issue of a notification, instead of by amendment of the Act every time, may be considered along with the other amendment to the Act A copy of this note will be given to the ~~[illegible] for the~~ purpose.

28/8/46.

---

No. 5438/33
10344-C

General Department
Bombay Castle, 2nd September 1946.

To M/s H.M. Brothers.
Hormusji Bhagole, Surat
K.B. Manor, Esq. I.C.S.
Machhipith, Surat.

Subject :- Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

Extension of ----- to business premises in Surat City.

Sir, I am directed to reference to your letter dated 15/4/46 on the subject mentioned above and to request you to furnish

furnish

Government with a few concrete instances in which ren
rents of business premises have been increased excess
tantly, to the disadvantage of business interests

2. Please send your reply through the Collector of S
Surat and the Commissioner., N.D.

Yours obedient

U.S. to be Government of Bombay G.D.

---

Copy forwarded to be Collector of Surat. Commissioner, N.D. for information

With reference to this letter No. WAR-59, dated 6-7-46
No. WAR-554 dated 1-8-46,

The Collector is requested must on the replies to Commissioner with his views.

Id/-

Hd.

U.
U.S. to be Government of Bombay
G.D.

From Dr. K.H. Haradhvala. M.B.B.S.

The Honorary Secretary.
The Surat Medical Union.
(INDIAN MEDICAL ASSOCIATION Surat Branch)

---

The Surat Medical Union Hall
Moglisara

SURAT. 14th August, 1946

To
The Ministey General Dept
Govt. of Bomaby.

Sir,

I beg to submit herewith the following resolution regarding the increase in house rents.

The rent restriction act is in force in Bombay under which protection is given to residential and professional quarters where as in Surat professional quarters are not protected.

The result is that the landlords have started harressment They have been demanding enormous increase in rents over the pre-war rate and if not paid a notice is served and decrees in favour of landlords have been passed by the court recently.

The position of the medical practitioner is peuliar The locality in which he has established for years cannot be left without seriously affecting his practice. The landlords knowing this demand enormous rents.

Therefore this meeting of the Members of the Surat Medical Union requests the Govt. to take up this matter urgently and enact a law immediately to protect doctors from such merciless landlords.

G.D. to acknowledge.

I have the honor to be
Sir,
Your most obedient Servant.

Id/-

Similar representations were received from two other persons of Surat and they have been requested to furnish Govt. with few concrete instances in which rents of business premises have been increased exorbitantly to the disadvantage of business interest. A letter on similar line may be addressed to the Hon. Secretary of the Surat Medical union.

Id/-
109-54

---

No. 5438/33/21158-C
General Department.
Bombay Castle 11th September 194

To
Dr. K.H. Haradhwala M.B.B.S.
The Hon. Secretary
The Surat Medical Union
Mogalisara- Surat.

Subject:- Bombay Rents Hotel Rates and Lodging House Rates (Control) Act, 1944

Extension of -- to business Premises in Surat City.

Sir,

I am directed to refer to your letter dated the 14th August 1946 on the subject mentioned above and to request you to furnish Govt. with a few concrete instances in which rents of business Premises have been increased exorbitantly to the disadvantage of Doctors in ~~services~~ interests.

2. Please send your reply through the Collector of Surat and the Commissioner N.D.

Id/-
U.S. to the Govt. of Bombay G.D.

Id/-

No etc. of 11/9/46

Copy forwarded to the Collector of Surat / Commissioner N.D. for information in notification of G.E. G.D. No. 5438/33/1944-C dated the 2nd September 1946.

BY ORDER OF GOVERNMENT

Dr. K.D. Manar M.B.B.S.,

T.B. Specialist

Machhlipith,
Surat, 15th Oct. 46.

To,

The Under Secretary to the Government of Bombay

General Department, Bombay Castle,

BOMBAY.

Ref: Your letter No. 5438/33/19344-C in Connection with, Bombay Rents, Hotel rents and Lodging House Rents (Control Act 1944) Extension to business Premises in Surat City.

With reference to the above letter I had sent you a letter with the necessary statements, through the Collector of Surat & Commissioner Northern Division dated 28th September 1946.

After that I have received good many statements. People pour in day & night tomy residence asking me the result of my efforts. Day in and out, number of Decrees are being executed, and the tenants are thrown out. We are also thinking of forming a Tenants Relief Committee, to save ignorant tenants from the harassment of these landlords.

I am told, and the source of my information is sound, that 300 suits have been filed in the Civil Court for getting the possession of the property from the tenants.

Under the circumstances I again request the Government earnestly to apply the rent act to professional premises immediately and save us from further harassment. The Landlords are hurrying up, they are threatening and using all means to get the contracts renewed with increased rents before the law comes.

Every tenant will feel grateful if the law comes soon.

When I am pening this, before me is sitting a poor tenant requesting me to do something because the decree will be executed on him in a week or so.

I again request the Government, not to have any further delay in the matter.

From:- Dr. K.H. Haradhvala. M.B.B.S.

The Honorary Secretary.
The Surat Medical Union.
INDIAN MEDICAL ASSOCIATION Surat Branch)

---

The Surat Medical Union Hall
Mogalisara

SURAT. 27th August 1946

To
The Minister Public Works & Health
Govt. of Bombay.

Sir,

I have the honour to send you a copy of ~~this~~ the resolution herewith, passed by the Surat Medical Union. for your kind consideration

I have the honour to be

Sir,

Your most obedient servant.

Id/-
Hon Secretary S.M.U.

Report ~~this~~ us to whether anything can bedone.

---

From:-Dr. K.H. Hardhvala. M.B.B.S.

The Honorary Secretary
THE SURAT MEDICAL UNION.
(INDIAN MEDICAL ASSOCIATION Surat Branch)

---

The Surat Medical Union Hal
Mogalisara
SURAT. 14th August 1946.

To
The Minister General Dept.
Govt. of Bombay.

Sir,

I beg to submit herewith the following resolution regarding the increase in house rents.

The rent restriction act is in force in Bombay under which protection is given to residental and professional quarters where as in surat professional quarters are not protected.

The result is that the landlords have started harressment They have been demanding enormous increase in rents over pre-war rate and if not paid a notice is served and decrees

in favour of landlords have been passed by the court recently.

The position of the medical practitioner is peculiar The locality in which he has established for years cannot be left without seriously affecting his practice. The landlords knowing this demand enormous rents.

Therefore this meeting of the Members of the surat Medical Union requests the Govt. to take up this matter urgently and enact a law immediately to protect doctors & from such merciless landlords.

I have the honour to be
Sir,
Your most obedient servant.

General Department.

Submitted with reference to the query by H.M. (Health), dated the 5th September. 1946.

2. Under G.A. G.D., No 3259/33. dated the 23rd January 1945, Part II of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, has been made applicable to the city of Surat. The provisions of Part II are not applicable premises used for professional purposes in the city of Surat. In the circumstances nothing, it seems, can be done to help the Surat Medical Union Rent legislation is at present under the consideration of Govt. A comprehensive Rent Act is being framed. The difficulty experienced by the Medical practitioners pointed out by the Union may be kept in mind while framing the provisions.

Id/-
28-5-46

"A" Cannot the provisions of Part II be made applicable to premises used for professional purpose. If so we can call for the Collector views will General Department state why 'A' cannot be done.

Id/-
1/6

RSK13/7

Part II of the Rent Act of 1944 deals with the control of rent of residential and other premises the std rent of which exceeds Rs80/-P.M. It is clear from section 4(3) of it, that except at places specified in that section (i.e. Bombay, Poona and parts of Poona) the term "promises" includes at otherplaces buildings or part of building let for the purposes of residence only. Under GN., G.D. No. 3259/53, dated 23/1/45 part II of the Act has been made applicable to Surat, but as according to section 4(3) premises means in the City of Surat only residential premises, the control cannot be extended to business premises in that City unless the Act itself is amended so as to include in the term "premises" also the "business premises" as far as Surat is concerned.

2. Govt. has already received two or three representations from Surat requesting Govt. to control rents of business premises in that city. The comm'rs and the Collr's remarks were called for on those representations. The collectors favoured Control but the Commissioner held that as the war is already over and as there is no great demand from the business community for such control, the question may not be taken up by Govt. He however suggested that the petitioners maybe asked to quote instances in which re of business premises have been increased exhorbitantly in Surat. As proposed by the Commissioner the petitioners were asked to give concrete instances of the general complaint made by them, through the Collector and the Commissioner. The Surat Medical Union, from whom a similar representation was received, was also asked to furnish Govt. with similar information through the Collector and the Commissioner.

No. WAR/59
Camp Via -Surat, 21st September 1946.

To

The Secretary to the Government of Bombay
General Department.

Subject:- Bombay Rent Act of 1944.
Extens lon of -- to business premises
in Surat City.

Reference Government letter General Department.
No. 5433/33/1934-C Dated 2-9-46. on the subject.

The reply received from Messrs. N.M. Brothers and other merchants of Surat City is forwarded herewith. As the owners of business premises in Surat City are found to be demanding exhorbitant rents, I am in favour of giv ng a general protection to such premises.

Collector, Surat.

Submitted through the Commissioner N.D.

No. W.A.R. 354.
Shahibagh, Ahmedbad 15-10-1946

General Department

Submitt-ed to Government with reference to Government endorsement No. 5438/33/19344-C dated 2-9-46.

2/- 50 cases of exorbitant rent have been quoted by Mr. M.D. Desai, and outof these there are 11 cases in which it may be agreed that the rent has really become exorbitant. But it is for consideration whether these instances justify the imposition of a control over rents. The population of Surat City has increased by only 15% since 1941, where as in Ahmedabad city the population has increased by about 60 % It is a matter of surprise therefore that a similar demand for control has not been received from Ahmedabad merchants, who must have felt the "Pinch" of accommodation much more severely than surat merchants. If I could feel assured that the surat merchants had in their own businesses restrited their profits during the war years to the extent th their landlords have, I would feel much more sympathy for th them.

3/- Reasons against imposing a control on rents of busi-

nes premises have been given in my endorsement dated 8th August 1946. from the figures given. I see no reason to modify my opinion.

4/- The applications from the various merchants of Surat city received under the Collector's No. W.A.R. /59 dated 2-10-46. are enclosed.

Commissioner, N.D.

General Department.

Part II of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, has come in-to operation in Surat City and other ~~xxxxx~~places in Surat Dtt. from 23-1-45.

2. "Promises" has been defined in Section 4(3) of the Act, as any building or part of a building let for any purpose other than storage of goods, in Bombay, B.S.D. poona City etc. and also where any building or part of a building let for residence.

3. In Surat City therefore, Part II applies to residences only. If it is to be applied to a building let for other purposes than residence, it will be necessary to amend section(4(2) and mention Surat City also along with Bombay Poona etc.

4. The business people and particularly the medical profession in Surat have requested Govt. in these papers for extending the provisions of the Act to premises let out for professional purposes also.

The Commissioner has since forwarded a batch of applications from the various types of business people in the City. A statement showing the normal rate of rent the rent charged at present, and the occupation of the applicant is given on page 43/44, In view of the fact that the rents have been increased in many cases by 100 p.c. and more, the Collector seems to be in favour of granting general protection to business premises in that City. The commissioner however points out that out of 50 cases submitted by the Collector there are only 11 cases in which may be agreed that the rent has has become exorbitant. He also compares the case of Surat with that Ahmedbad in which population has increased by 60% but still no protection is given to business premises in that city uptill now. It must also be agreed that just as landlords have raised the rents of business premises by 100 p.c. and more, the merchants, doctors, pleaders,

etc. have in their own turn de ived good profits in their respective professions Govt may therefore agree with the Commissioner that no protection need be given to the business promises inSurat City. Dr. K.D. Manier and M/s. Brothers may be informed that, after careful consideration of the facts and figurs presented by them Govt. sees no sufficient case for imposing c ntrol on the rents of business premises in Surat City.

Id/-
12-12-46.

I am rather inclined to agree with ~~xxxnxwxinview~~ express by the Commissioner N.D. that business premises in Surat shallnot be control however, in this area of Panchmal Nasik. Commissioner L.D.G? has decided that business premises at these stations should be control, as was done permiseblely. The Defence at and the papers have bean refered u.o. to the R.L.A. Prisomsions after it can be done and submit amendment of section 4 (2) of the recent control Act. The Government decided to

to premises of the Act. No business premises in ~~xxxxx~~ small Towns to like Panchmahal Pauvel and Nasik. It disirable that business premises in Surat City should be control. We may await ~~the refusal~~ of the papers any decision is taken in this case . What

is the premises under the rent restiction ligislation Does provided for retriction with referenc to busines' premises If so, no action would seen to be neces ary as the lagislation is intended to be taken up during the next Senions.

Id/-
12-12-

RSK 19/7 P.D.

| ~~From Whom~~ | The normal Rent. | The present Rent. |
|---|---|---|
| A. Dr. | Rs 18 | Rs. 30 |
| " | " 25 | " 150 |
| " | " 30 | " 60 |
| " | " 26 | " 55 |
| " | " 8 | " 30 |
| " | " 13 | " 30 |
| " | " 25 | " 45 |
| A pleador | " 12 | " 30 |
| " | " 55 | " 75 |
| " | " 17 | " 100 |
| A Merchant | " 17 | " 65 |
| " | " 23 | " 80 |
| " | " 55 | " 75 |
| " | " 125 | " 260 |
| " | " 19 | " 41 |
| " | " 21 | " 60 |
| " | " 7 | " 30 |
| " | " 17 | " 100 |
| " | " 11 | " 30 |
| " | " 50 | " 82 |
| " | " 13 | " 30 |
| " | " 10 | " 30 |
| " | " 0 | " 20 |
| " | " 25 | " 50 |
| " | " 10 | " 30 |
| " | " 5 | " 10 |
| " | " 17 | " 25 |
| " | " 5/6 | " 7/8 |
| " | " 6/4 | " 10 |
| " | " 51 | " 75 |
| " | 13 | " 18 |
| " | 5 | " 25 |
| " | | " 75 |
| " | | " 56 |
| " | | " 45 |

| | | | |
|---|---|---|---|
| A Merchant | Rs. | 45 | Rs. 60 |
| " | " | 7 | 15-4-0 |
| " | " | 13 | 41 |
| " | " | 6 | 14 |
| " | " | 4 | 35 |
| " | " | 5 | 10 |
| " | " | 25 | 45 |
| " | " | 37 | 56 |
| " | " | 25 | 35 |
| " | " | 25 | 65 |
| " | " | 25 | 65 |
| " | " | 13 | 18 |
| " | " | 6 | 17 |
| " | " | 25 | 60 |
| " | " | 6 | 14 |
| " | " | 42 | 75 |

General Department.

Submitted with reference ~~xhx~~ to the secretary 's note dated 12/12/46.

2. As stated in the office not dated 12/12/46, under the present Act it is not possible to extend its provisions to nonresidential premises in surat City except by an amendment of section 4(3) of the Rent Act of 1944.

3. Under the proposed Rent control Act, the word premises" has been made more comprehensive and includes premises let for any purpose whatever subject to such exceptions as are mentioned in that section. It is proposed to maintain the status in this respect and consequently in the exceptions mentioned in the draft section of the Rent control Act it is proposed to exclude premises let for non-residentid purposes in Surat District from the definitior of "premises". As a result, the proposed Act too, will be applicable to residential premises only, so far as Surat District is concerned. One facility available under the proposed Rent Control Act is that if Government decides at any time to do away with the restriction mentioned above and make the Act applicable to all the premises in Surat City, all that will be necessary is to issue a Notification to that effect. An amendment of the Act will not be necessary.

4. If Government decides immediately to extendthe proposed Act to non residential premises in Surat City, necessary modification of the draft Section relating to "premises" will be carried out, before the Bill is introduced in the Assembly. If on the other hand, it is decided on the, evidence furnished in this case that there is no case for such extension, a draft letter to the petitioners intimating to them the decision of

Government will be put up.

It is desirable to wait till the new draft will become law. The question of Extending the premises of t new Act to the Surat Municipality for besiness premises may be considered at that time.

Id/-
17-12-46.

I would agree with U.S. The justification for applying emergency legislation should now be les and object of the Act is to keep as for as possible the status quo till Conditions improve.

Id/-

H.M. L.S.G.

has discussed

Under the Act as it stands, in certain areas "premises" do not include business premises. The Act also provides that in after areas such "premises" include all premises I.e. business premises also.

The intention of the comprehensive Rent Restriction legislation is to maintain the present premises H.M. would like it examined & embodied why in all cases, "premises" should not include both residential and business premises . please examine

Id/-

General Department.

Submitted with reference to the Secretary's note of 6-1-1947.

2. Under the Bombay Rents Hotel Rates and Lodging House Rates (Control) Act, 1944, the term "premises" as used in Part II covers only buildings or parts thereof let for the purpose of residence except for a few restricted areas (the City of Bombay, Bombay Suburban Dist., Poona City Municipal area, Poona Suburban Municipal Area, Poona Cantonment Area and the Aundh Road (Bopoor) Area), where business premises are also covered. In all the new areas in which Part II of the 1944 Act was brought into force in 1944, business premises are exempt from control. Control of rent of business premises is, therefore, restricted to two compact areas, viz., Greater Bombay and Greater Poona. The alteration of the definition of "premises" in the new Bill to cover residential as well as business premises automatically in all areas to which the provisions of the Bill will apply would mean the introduction of control for the first time on busines premises in numbous towns and village where no control previously existed difficulties are bound to arise from such automatic extension, since the Bill provide that the date for the determination of standard rent should be that mentioned in the 1944 Act viz. 1st September 1940; this date is, however, appropriate onl for premises already under control under the 1944 Act. For premises being brought under control under the new Bill for the first time the date would not be suitable it would not be fair to landlords to compel them to charge rent at the rate prevailing on 1-9-1940 and to ignore alterations in rent made in the intervening six years. Numerous disputes may also arise as to the correct amount of rent charged on 1st September

1940, and satisfactory proof may not be always available. That is why it was proposed in the new Bill that the extension of control to new areas, or to new classes of premises, should be by notifn., subject to such adoptations in the provisions of the Act as may be notified. This would enable Government to fix a later date for the determination of standard rent (e.g. the 1st January of the year in which the notification is issued) and also to decide on the merits of the case whether or not the 10% increase over standard rent should be allowed.

3. As, in any case, control of rent of usiness premises cannot be introduced now until the new Bill becomes law, it would seem desirable to compile a list of areas in which control over the rental of busines premises is required and to issue a notification in respect of these areas simultaneously with the coming of the new Act into operation, with provision for a special date for the determination of standard rent (say 1st January 1947, so as to discount increases which may be made after publication of the Bill to anticipate the introduction of control) and for disallowing the 10% increase allowable in the case of premises in the case of which control already existed. There may, of course, be some areas in which control over the rents of busines premises was formerly exercised under orders made by Collector under the Defence of India Rules and where such control could not be continued on the lapse of the Orders owing to the terms of the definition of "premises" in Part II of the 1944 Act. In such cases an earlier date for a standard rent, say 1st September 1946, would be appropriate, and the 10% increase over standard rent ould be Justifiably allowed.

Id/

Action may be taken as suggested in para 2 of the o.u.

Id/-
11-1-47.

The o.n. explains why it has not been considered desirable to apply the Rent Restriction ~~xx~~ legislation to all "business premises" also when it is considered necessary to do so, it can be under a notification after legislation is enacted.

Id/-

H.M. L.S.G.

Action as suggested in para 3 of the office note should be taken.

Where the rents of premises other than residentialones were controlled under the Defence of India Rules, information regarding the date with reference to which standard rents were determind in those places should also be called for.

Id/-
24-1-47

General Department.

The following circular letter may now issue.

Id/-
26-2-47.

RSK. 14/7

No. 5438/33/C,
General Department.
Bombay Castle 21thx February 47.

To

All Collectors.

Subject :- Rent Control
Application of-to business premises.

On the lapse of the defence of India Rules on 30-9-46, Government applied the B.R. Hotel Rates and Lodging House Rates (control) Act, 1944, to several places in the mofussil where rents were being controlled by order issued by the Collectors. under the Defence of India Rules However under this Act, as it stands at present, premises used for business or professions can not be brought under rent control Government has received several representations requesting Government to extend rent control to such premises, and the question of what steps should be taken for this purpose, is at present under the consideration of Government Please therefore, furnish Government with information on the following points:-

1) The names of town and villages in your District where, in your opinion, control on the rents of business premises is desirable.
2) Whether such premises were subject to control under the Rent Control order, issued by you, if any under the Defence of India Rules,
3) If so, the date with reference to which the "Standard Rent" was fixed, under the order
4) How "Standard Rent should now be fixed in extending the control to business premises.

Id/- K.B. Kanuth
for Deputy Secretary to the Govt. of Bombay
General Department.